

**REMARKS**

Applicant thanks the Examiner for the thorough consideration given the present application.

Claims 1-22 are now present in this application. Claims 1-3, 12, 20, 21 and 22 are independent. Claims 4 and 12 are amended and claim 22 is added. No new matter is involved.

Reconsideration of this application, as amended, is respectfully requested.

**Allowed and Allowable Subject Matter**

The Examiner states that claim 1 is allowed and that claims 4-7, 10, 11 and 14-19 would be allowable if rewritten in independent form.

Applicant thanks the Examiner for this indication of allowed and allowable subject matter in this application.

Applicant has chosen to re-write claim 4 in independent form. Claims 5-7 depend from claim 3. Accordingly, claims 4-7 are allowable.

Applicant respectfully submits that claims 10 and 11 are allowable at least because claim 3, from which these two claims depend, is allowable, and that claims 14-19 are allowable at least because they depend from claim 12, is allowable. Reasons why claims 3 and 12 are allowable are set forth, below.

**Rejection under 35 U.S.C. §102**

Claims 2, 3, 8, 9, 12, 13, 20 and 21 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,448,579 to Lim et al. (hereinafter, "Lim"). This rejection is

respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

A prior art reference anticipates the subject of a claim when the reference discloses every feature of the claimed invention, either explicitly or inherently (see, In re Paulsen, 30 F.3d 1475, 1478, 1479, 31 USPQ2d 1671, 1675 (Fed. Cir. 1994), In re Spada, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990), Hazani v. Int'l Trade Comm'n, 126 F.3d 1473, 1477, 44 USPQ2d 1358, 1361 (Fed. Cir. 1997) and RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

During patent examination the PTO bears the initial burden of presenting a *prima facie* case of unpatentability. In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984). If the PTO fails to meet this burden, then the Applicant is entitled to the patent.

Claim 2 recites a combination of features including that the gate line is connected to the capacitor electrode by "a contact hole passing through said at least two storage capacitors." Lim does not disclose a single contact hold passing through both storage capacitors, as recited. Instead, Lim actually discloses one gate contact hole 209 passing through one storage capacitor M and a separate, distinct gate contact hole 211 passing through storage capacitor N.

Accordingly, Lim does not anticipate claim 2.

Similar comments apply to claims 3, 20 and 21, which also recite "a contact hole passing through said at least two storage capacitors."

Accordingly, Lim does not anticipate claim 3 (or claims 8 and 9 that depend from claim 3), 20 or 21. Furthermore, with respect to claim 21, Lim does not disclose that the capacitor electrode 216 is the uppermost electrode, as recited.

With respect to claims 8 and 9, the outstanding Office Action states that “capacitor electrode 216 is the uppermost electrode.” Applicant respectfully submits that this statement overlooks the entire claim. While Lim does disclose that its pixel electrode 218 is the second capacitor electrode (col. 7, lines 56-57), Lim’s first capacitor electrode is a combination of gate line 206 and electrode 216. In this regard, Lim explicitly discloses, in col. 7, lines 53-56 that “gate line 206 and the first capacitor electrode 216, which are electrically connected by the electrode connecting layer 219, act as a first capacitor electrode of a storage capacitor.

Claim 8 depends on claim 3 and claim 8’s recitation of a pixel electrode is in addition to what is already recited in claim 3, i.e., at least two storage capacitors disposed between a gate line and a storage electrode formed above the gate line, said gate line being connected, via a contact hole passing through said at least two storage capacitors, to the capacitor electrode. Lim’s pixel electrode cannot be both a storage capacitor electrode recited in claim 3 and an additional pixel electrode recited in claim 8 (separate and apart from the storage capacitors recited in claim 3).

Reconsideration and withdrawal of this rejection of claims 2, 3, 8, 9, 20 and 21 are respectfully requested.

With respect to claims 12 and 13, Lim does not disclose the separately recited steps of forming a storage electrode on the gate insulating film to overlap the gate line, forming a

protective layer made of an insulating material on the gate insulating material, and forming a capacitor electrode electrically contacting the gate line on the protective layer that is made of an insulating material. Instead, Lim discloses forming a semiconductor layer 215 on the gate protection layer 214, and forming a separate capacitor electrode 216 on semiconductor layer 212.

Accordingly, Lim does not anticipate the positively recited method steps of claims 12 and 13, and reconsideration and withdrawal of this rejection of claims 12 and 13 are respectfully requested.

#### **New Claim 22**

New claim 22 positively recites a combination of features including at least two storage capacitors disposed vertically above one another between a gate line and a capacitor electrode formed above the gate line, said gate line being connected, via a contact hole passing through said at least two storage capacitors, to the capacitor electrode. Applicant respectfully submits that Lim does not disclose this vertical above one another two storage capacitor disposition feature. In fact, Lim's storage capacitors M and N are disposed in aide-by-side relationship.

Accordingly, Applicant respectfully submits that claim 22 patentably defines over Lim.

#### **CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejection of claims 2, 3, 8, 9, 12, 13, 20 and 21 be withdrawn, and that claims 2-22 be

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allowed along with already allowed claim 1. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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